

United States Senate

WASHINGTON, DC 20510

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July 15, 2010

The Honorable Kathleen Sebelius
United States Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Sebelius:

Throughout the health care debate, the Administration repeatedly assured the American public that there would be no public funding of abortions due to the new health care law. In fact, during his address to a Joint Session of Congress on September 9, 2009, the President stated unequivocally – “And one more misunderstanding I want to clear up -- under our plan, no federal dollars will be used to fund abortions.”

Additionally, the President's Executive order, which was signed on March 24, 2010, stated, “It is necessary to establish an adequate enforcement mechanism to ensure that Federal Funds are not used for abortion services (except in cases of rape or incest, or when the life of the woman would be endangered), consistent with a longstanding Federal statutory restriction that is commonly known as the Hyde Amendment.”

Unfortunately, the implementation of the health care law is calling into question the validity of this Executive order and the intentions of the Administration to protect life and the American taxpayer.

Your approval of the high risk pool plan recently submitted by the state of Pennsylvania is particularly troubling. The Pennsylvania plan, when current state statutes are applied, appears to open the door to federal funding of abortions.

While the Pennsylvania situation is disturbing, I am also interested in knowing whether you will allow abortion coverage in the federal high risk pool program. Twenty one states, including Nebraska, have notified you that their state will not administer the high risk program. Under the new health care law, the federal government will be responsible for implementing and running the high risk program for high risk individuals in those states. I certainly would oppose the federal program allowing and subsidizing the coverage of abortions. Nebraskans would be appalled if they learned the federal government intends to offer abortion coverage, which would circumvent a prohibition in state law and violate the commitment by the President to continue the longstanding separation between taxpayer dollars and abortion.

Therefore, I respectfully request more information as to how you intend to implement the President's Executive order in regards to high risk pools. Furthermore, I would also like

additional information about how you intend to safeguard both the federal and state-run high risk pools in a manner that guarantees that federal tax dollars are not being used to subsidize abortion.

I look forward to your response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Johanns", with a stylized, flowing script.

Mike Johanns
United States Senator